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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,634	07/30/2003	Hiroshi Iwai	2003_1059A	9147

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EXAMINER

PHAM, TUAN

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/629,634

Applicant(s)

IWAI ET AL.

Examiner

TUAN A. PHAM

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-30 and 38 is/are rejected.
- 7) ☒ Claim(s) 31-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification and Abstract***

1. The amendment to specification and abstract submitted on 07/18/2006 has been considered by Examiner and made of record in the application file.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 21-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 21-27, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silzer, Jr. (Pub. No.: US 2004/0001022) in view of Dosch (Patent No.: US 6,587,698).

Regarding claim 21, Silzer teaches a portable radio communication apparatus comprising:

a housing containing a radio communication circuit (see figure 1A, PDA 10, the housing of PDA 10 which enclosed the circuitry, [0026]),

a projection portion (read on handle) having a first end portion connected to said housing (see figure 6A, handle 50), and a second end portion connected to said housing (see figure 6A, handle 50), and a central portion located between the first and second end portions (see figure 6A, handle 50), wherein said projection portion projects from an end surface of said housing so as to be inclined away from a first surface of said housing which is different from the end surface of said housing (see figure 6D, the handle 50 can be folding handle away from the front cover of PDA 10, the handle 50 is inclined if the handle is rotate backward about 20 degree).

It should be noticed that Silzer fails to teach an antenna element connected to said radio communication circuit, wherein at least a part of said antenna element is disposed in a part of said projection portion. However, Dosch teaches an antenna element connected to said radio communication circuit (see figure 1, antenna 6 is connected to the RX/TX module 4, col.1, ln.55-65), wherein at least a part of said antenna element is disposed in a part of said projection portion (see figure 1, antenna 6, col.1, ln.40-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dosch into view of Silzer in order to give the user a easy way to grab hold onto the PDA as suggested by the Silzer at [0028].

**Regarding claim 22**, Silzer further teaches when said housing is arranged on a flat surface, said projection portion engages the flat surface so that a second surface of said housing is substantially spaced from the flat surface, wherein the second surface of the housing is different from the first surface of said housing (see figure 6E, PDA 10 is on the flat surface).

**Regarding claim 23**, Silzer further teaches the central portion of said projection portion extends in parallel to a width direction of said portable radio communication apparatus, and the first and second end portions are bent from opposite ends of the central portion, respectively (see figure 6A, handle 50).

**Regarding claim 24**, Silzer further teaches said projection portion is shaped as an arch (see figure 6A, handle 50).

**Regarding claim 25**, Dosch further teaches a thickness of each of said first and second end portions of said projection portion is larger than a thickness of the central portion of said projection portion (see figure 3, the first and second end is larger than the central portion).

**Regarding claim 26**, Dosch further teaches a width of each of the first and second end portions of said projection portion is larger than a width of the central portion of said projection portion (see figure 3).

**Regarding claim 27**, Silzer further teaches said projection portion is detachably connected to said housing (see 0030)).

**Regarding claim 38**, Silzer further teaches said projection portion is a boom portion (see figure 6A, handle 50).

5. **Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silzer, Jr. (Pub. No.: US 2004/0001022) in view of Dosch (Patent No.: US 6,587,698) as applied to claim 21 above, and further in view of Yagi (Pub. No.: US 2003/0184494).**

**Regarding claim 28**, Silzer and Dosch, in combination, fails to teaches dielectric. However, Yagi teaches such features (see [0024]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Yagi into view of Silzer and Dosch in order to prevent bias from adversely affecting the antenna's characteristics as suggested by Yagi at [0024].

**Regarding claim 29**, Yagi further teaches elastic resin material (see [0024]).

**Regarding claim 30**, Yagi further teaches conductor material (see [0024]).

#### ***Allowable Subject Matter***

6. Claims 31-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

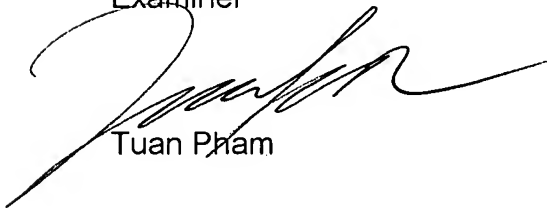
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618  
September 1, 2006  
Examiner

Supervisory Patent Examiner  
Technology Center 2600



Tuan Pham



Matthew Anderson